

REMARKS

I. Status of Claims

Prior to the entry of this paper, Claims 1-56 were pending. Claims 1-56 were rejected. In this paper, Claims 1, 29-32, 34, and 42 have been amended. Claims 1-56 remain pending. No new matter is added by way of this amendment. For at least the following reasons, it is respectfully submitted that each of the pending claims is in condition for allowance.

II. Drawings

The drawings are objected to because Figure 2, Element 220 contains a written word that is not legible. As noted above, replacement sheets of drawings have been submitted with this paper, including one in which written word in question has been made legible. Accordingly, withdrawal of this objection is respectfully requested.

III. Specification

The specification has been amended to include the proper application numbers on the first page of the specification. Accordingly, withdrawal of this objection is respectfully requested

IV. Double Patenting - Provisional

Claims 1, 3, 4, 12, 15, 29, 30-34 and 43 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1, 34, 4, 14, 15, 30, 38, 46 and 47 of co-pending U.S. Patent Application No. 10/698,168 teaches all the limitations of claims 1, 3, 4, 14, 15, 30-34 and 43.

This rejection is hereby acknowledged. Should this provisional obviousness-type double patenting be the only remaining grounds of rejection in the application, then this provisional rejection will be addressed in a timely manner as is discussed in MPEP 804.

Further, the teachings of Craft consistently involve assessing a network connection prior to performing a handout of the connection (col. 5, lines 41-55). Such an arrangement is neither suggestive of nor able to reap the benefits of having a secondary determining step of whether a network connection is accepted or denied based on a state of the second network protocol stack and the nature of the network connection. In fact, the only assessment of the nature of a connection in the system of Craft (which, notably, does not involve the state of CPD 30) is used to preclude the initial handout of a connection (col. 9, lines 57-63). Such pre-emptive prevention of transfer fails to involve or address the capabilities represented by CPD (30), including those which may benefit the overall status and processing of all network connections that are in-progress in the computing system. This example of operation in Craft further demonstrates that the teachings of Craft neither teach nor suggest the claimed invention.

For at least the above reasons, it is respectfully submitted that the disclosure of Craft neither anticipates nor renders obvious all of the limitations of Claim 1, as amended, particularly when such limitations are considered in the overall context of Claim 1 as a whole.

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art of record for at least the same reasons listed above. In light of the above response, withdrawal of the rejections of each of these claims is respectfully requested.

VI. Claim Rejections - 35 U.S.C § 103

Claims 25, 26, 53 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of Tam, U.S. Patent No. 6,622,172 (hereafter “Tam”).

Tam discloses a system involving asymmetric network connections and a dynamically delayed TCP acknowledgements (col. 8, lines 4-21 and 62-67). Tam does not teach or suggest a procedure for transferring a network connection between a first network protocol stack and a second network protocol stack, including a step of determining of whether to accept a transfer at a second network protocol stack that further comprises refusing the transfer based at least in part on a state of the second network protocol stack and a nature of the network connection. As such, it is respectfully submitted that Tam does not teach or suggest the above noted deficiencies of Craft.

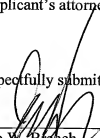
So far as **Claims 25-26 and 54-55** depend from Claims 1 and 32, which have been amended to include limitation discussed above, it is respectfully submitted that these claims are allowable over the prior art of record for at least the same reasons listed above. In light of at least the amendments made to the parent claims, withdrawal of these rejections under 35 U.S.C. 103 of each of these claims is respectfully requested.

CONCLUSION

In view of the above amendment, the applicant's attorney believes the pending application is in condition for allowance.

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Respectfully submitted,

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